
SUBJECT: Recodification of the Liquor Control Act

COMMITTEE: Liquor Regulation, favorably as amended

VOTE: 7 ayes--Bock, Reyes, Bigham*, Allee*, Millsap,
Smothers, Waters*.

0 nays--

0 present, not voting--

2 absent--Temple*, J. Wilson.

WITNESSES: ON: Joe Darnall, Assistant Administrator, Alcoholic Beverage Commission; Mary Joe Carroll, Licensed Beverage Distributors; Russell Hayes, National Sportsman's Fraternal Order of Texas, Inc.; Sherman McBeath, Alcoholic Beverage Commission; Fred Nieman, Texas Package Stores Association.

DIGEST: This bill enacts the Alcoholic Beverage Code and repeals the Texas Liquor Control Act. The Code is designed as a revision of the liquor law without substantive change.

PRO: This bill does not change the liquor law at all. The proposed Code takes the current law, arranges it in logical order, and eliminates impliedly repealed, duplicative and unconstitutional provisions. The law is then re-stated in modern English. The Legislative Council has worked with all interested parties and made every effort to see that no substantive changes are made in present law. This recodification makes the law easier to read and to understand.

CON: No apparent opposition.

COMMENTARY: Substantive amendments to this bill will not be in order because they are not germane to the intent of the bill.

If inadvertently the recodification changes the effect of the law, then that change is valid.

The Legislative Council has been directed by law to revise the Texas statutes to make them more accessible and easier to understand. The revision of the liquor laws began in 1972. The revision followed these steps:

--1972--All possible interested parties were advised by the council that the revision is underway.

--1974--A preliminary draft of the recodification was released with an invitation for comment.

(Commentary
cont'd)

--Public hearings were held on the bill during the interim of the 63rd and 64th sessions. After getting input, the Legislative Council staff and committee members decided what changes would be made in the preliminary draft. Where there was concern that a suggested change would alter the effect of the law, the Council followed as closely as possible the current law. HB 815 as introduced, is the council's final draft of the liquor law revision.

Eventually, all Texas statutes will be put in code form according to subject. Twenty-six topical codes are projected. Six have been completed: Parks and Wildlife, Business and Commerce, Education, Water, Penal, Family. The Penal and Family law recodifications included substantive law changes.

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